



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
vs.	§	CRIMINAL ACTION NO.: 4:19-198-MGL-7
	§	
TRAVIS MCCONICO, JR.,	§	
Defendant.	§	

**ORDER DISMISSING WITHOUT PREJUDICE
DEFENDANT’S MOTION TO REDUCE SENTENCE**

Pending before the Court is Defendant Travis McConico, Jr.’s (McConico) motion to reduce his sentence to reflect the credit he would receive if he participated in the Residential Drug Abuse Program (RDAP). He alleges he has been placed on a waitlist. Because McConico has failed to exhaust his administrative remedies, the Court will dismiss the motion without prejudice.

The Court may modify a term of imprisonment upon motion of the defendant only after he “has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier[.]” 18 U.S.C. § 3582(c)(1)(A)(i), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (the First Step Act).

The requirement to exhaust administrative remedies is a claims-processing rule, meaning that the Court must dismiss the motion if the issue is properly raised by the government. *United States v. Muhammad*, 16 F.4th 126, 130 (4th Cir. 2021).

Upon review of McConico's motion and the government's response, it appears he has failed to bring an administrative request as required. Although he submitted an administrative request for enrollment in RDAP, he failed to submit a request for a sentence reduction, as required by Section 3582.

Because the government has raised the issue of exhaustion, the Court is unable to entertain McConico's motion. Accordingly, it is the judgment of the Court McConico's motion to reduce his sentence, ECF No. 619, is **DISMISSED WITHOUT PREJUDICE** to allow him to exhaust his administrative remedies.

IT IS SO ORDERED.

Signed this 10th day of October 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE